

ORDER OF THE STATE PERSONNEL BOARD

PERRY VENARD,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,
ARKANSAS VALLEY CORRECTIONAL FACILITY,

Respondent.

The State Personnel Board (the "Board") met in public session on September 18, 2001. During this public session, the Board considered the record on appeal, including:

1. The Initial Decision of the Administrative Law Judge;
2. Order of the State Personnel Board, dated June 26, 2001;
3. Complainant's Opening Brief (Per Order June 26, 2001);
4. Respondent's Motion for Extension of time to File Answer Brief (Per Order June 26, 2001);
5. Order Granting, in Part, Respondent's Motion for Extension of Time;
6. Respondent's Motion for Leave to File Answer Brief on August 8, 2001;
7. Respondent's Answer Brief (Per Order June 26, 2001);
8. Motion to Strike, Opposition to Request to File Out of Time and Request for Expedited Ruling;
9. Respondent's Response to Complainant's Motion to Strike/Opposition to Request to File Out of Time and Request for Expedited Ruling;
10. Complainant's Reply Relating to Motion to Strike;
11. Motion for Permission to File Reply Brief in the Event Respondents' [sic] Brief is Accepted;
12. Complainant's Reply Brief (Per Order June 26, 2001); and
13. Order of the State Personnel Board, dated August 23, 2001.

The Board voted to grant Complainant's Motion for Permission to File Reply Brief in the Event Respondents' [sic] Brief is Accepted.

This order represents the affirmative vote of the following Board members: Elizabeth Salkind, Linda Siderius, and Melanie Daly.

In a separate vote, while noting that the issues which are in dispute are supported by the Initial Decision and a full and complete transcript is not necessary in an administrative proceeding, the Board voted to adopt the findings of fact and conclusions of law of the Administrative Law Judge in the Initial Decision of the Administrative Law Judge.

This order represents the affirmative vote of the following Board members: Linda Siderius and Melanie Daly. Elizabeth Salkind voted in opposition to the motion.

Dated this _____ day of
September, 2001.

Melanie Daly
Board Chair
State Personnel Board
1120 Lincoln Street, Suite 1420
Denver, CO 80203

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (2001), as provided in Section 24-50-125.4(3), C.R.S. (2001).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of September, 2001, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** in the United States mail, postage prepaid, addressed as follows:

William S. Finger, Esq.
Frank & Finger, P.C.
29025-D Upper Bear Creek Road
P.O. Box 1477
Evergreen, CO 80437-1477

and in the interagency mail, addressed as follows:

Stacy L. Worthington
First Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, CO 80203

Joseph Q. Lynch
Assistant Attorney General
Employment Section
1525 Sherman Street, 5th Floor
Denver, CO 80203
